

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

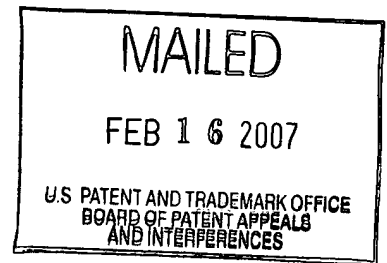
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SACHIN G. DESHPANDE and RENJIT TOM THOMAS

Appeal 2006-3143
Application 09/897,383
Technology Center 2100

Decided: February 16, 2007



Before JAMES D. THOMAS, JOSEPH F. RUGGIERO, and ALLEN R. MACDONALD, *Administrative Patent Judges*.

MACDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal involves claims 25-41, the only claims pending in this application. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 134.

INTRODUCTION

The claims are directed to managing and transmitting image data. Specifically, the initial part of an image file is read at a client and parsed to identify any needed additional parts to render a selection of the image file. The requisite additional parts are then requested from the server. The client then displays the selection of the image file. Such a system enables scalable streaming of images with client-side control. Claim 25 is illustrative:

25. A method for customized image display, said method comprising the acts of:

- reading an initial part of an image file at a client, said file being hosted on a server;
- parsing said initial part to identify any additional parts that may be needed to render a selection of said image file;
- requesting said additional parts from said server when said additional parts are needed;
- displaying said selection of said image file at said client.

The Examiner relies on the following prior art references to show unpatentability:

Guedalia	US 6,356,283 B1	Mar. 12, 2002 (filed Jun. 10, 1998)
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Appellants' admitted prior art on pages 2-4 of the Specification ("APA").

The rejections as presented by the Examiner are as follows:

1. Claims 25-29, 33-38, and 41 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Guedalia.
2. Claims 30-32, 39, and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Guedalia in view of APA.

Rather than repeat the arguments of Appellants or the Examiner, we make reference to the Briefs and the Answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejections advanced by the Examiner and the evidence of anticipation and obviousness relied upon by the Examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, the Appellants' arguments set forth in the Briefs along with the Examiner's rationale in support of the rejections and arguments in rebuttal set forth in the Examiner's Answer. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the Briefs have not been considered and are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(vii) (2004).

It is our view, after consideration of the record before us, that the disclosure of Guedalia fully meets the invention as set forth in claims 25-29, 33-38, and 41. We further conclude that the evidence relied upon and the level of skill in the particular art would have suggested to one of ordinary skill in the art the obviousness of the invention as set forth in claims 30-32, 39, and 40. Accordingly, we affirm.

We first consider the Examiner's rejection of claims 25-29, 33-38, and 41 under 35 U.S.C. § 102(e) as being anticipated by Guedalia. Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the

recited functional limitations. *RCA Corp. v. Applied Digital Data Systems, Inc.*, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984); *W.L. Gore and Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983).

The Examiner has indicated how the claimed invention is deemed to be fully met by the disclosure of Guedalia (Answer 3-7). Regarding independent claims 25, 33, and 41, Appellants argue that Guedalia does not disclose parsing the initial part of an *image file* to identify any additional parts that may be needed to render a selection of the image file as claimed. Rather, the server in Guedalia parses an Internet Imaging Protocol (I.I.P.) *request* associated with a proprietary image file format to determine what image files should be sent to satisfy the request. Appellants contend that such a request is not an image file or part of an image file; therefore, Guedalia does not parse an image file. The claimed invention, however, parses and interprets the image file directly (Br. 4; Reply Br. 4; emphasis added).

The Examiner argues that Guedalia's browser analyzes an HTML page and displays embedded images containing sub-regions that form the overall image. This HTML page, according to the Examiner, corresponds to the claimed "image file." Moreover, Guedalia's browser "parses" the initial part of this HTML-based "image file" by analyzing the page to display the embedded image (Answer 9).

Appellants respond that Guedalia's parsing an HTML file to display embedded images is not equivalent to parsing an image file to identify additional parts that may be needed to render a selection of the image file. First, Appellants contend that an HTML page is not an image file, but rather

a text file. Appellants emphasize that image files are separate and distinct from HTML files. Second, Appellants argue that parsing an HTML file does not enable identification of additional parts that may be needed to render a selection of the image file [Reply Br. 4].

We will sustain the Examiner's rejection of independent claims 25, 33, and 41. In our view, Guedalia's zooming feature illustrated in Fig. 2 fully meets these claims given their scope and breadth. As shown Fig. 2, an image is displayed in viewing window 42 of an HTML page where the viewing window is partitioned into five sub-regions (Guedalia, col. 18, ll. 57-64; Fig. 2). Although the displayed image is associated with an HTML page, it nonetheless constitutes an image file. Accordingly, this initial display of the image in the viewing window fully meets "reading an initial part of an image file" as claimed.

To zoom a certain portion of the initial image, the user positions the mouse to a desired location on the image and clicks the mouse. In so doing, the user automatically selects one of the five sub-regions which, in turn, initiates retrieval of an associated image portion (e.g., associated response region 48) (Guedalia, col. 18, ll. 65 – col. 19, ll. 22).

In our view, this selection process fully meets parsing the initial part of an image file to identify any additional parts that may be needed to render a selection of the image file as claimed giving the term "parsing" its broadest reasonable interpretation. We note at the outset that Appellants have not specifically defined the term "parsing" in the specification; accordingly, we construe the term with its plain meaning. *See In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (noting that claim terms must be given their plain meaning absent a clear definition in the specification).

To determine the ordinary meaning of commonly understood words, it is entirely appropriate to cite a dictionary definition. *Agfa Corp. v. Creo Products, Inc.*, 451 F.3d 1366, 1376, 79 USPQ2d 1385, 1392 (Fed. Cir. 2006) (noting that general purpose dictionaries may be helpful when claim construction involves “little more than the application of widely accepted meaning of commonly understood words”). “Parsing” is defined as “examin[ing] in a minute way: analyz[ing] critically.”¹ The user’s determination of which portion of the initial image to zoom and selection thereof reasonably constitutes “parsing” the initially-displayed image to identify the corresponding response regions 48 (i.e., the “additional parts”) that are needed to render the user’s selection.

After the user selects a desired region to zoom in Guedalia, the server creates a new HTML page with a link to the response image portion (i.e., an I.I.P. command sequence) and sends the HTML page to the client. Upon receipt, if the client determines that the embedded image portion resides in the client’s local cache, the image is displayed immediately. If not, the client sends an I.I.P. request for the response image portion to the server. Upon receipt, the server parses the client’s I.I.P. request, acquires and assembles the necessary image data, and sends the image to the client. The client then displays the HTML page with the new image (Guedalia, col. 19, ll. 50 – col. 21, ll. 8; Figs. 3 and 4).

¹ Merriam-Webster Online Dictionary, at <http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=parsing> (last visited Jan. 10, 2007). See also The American Heritage Dictionary of the English Language, 4th ed., at <http://www.bartleby.com/61/33/P0083300.html> (last visited Jan. 10, 2007) (defining “parse” as “[t]o examine closely or subject to detailed analysis, especially by breaking up into components”).

In our view, either (1) the user's initial selection and accompanying request for the response image portion, or (2) the client's subsequent IIP request for the response image portion if the image is not cached fully meets the claimed requesting step. In either case, additional parts (i.e., the response image portion) are requested from the server when they are needed to render the user's selection.

Regarding claim 34, Appellants argue that Guedalia does not disclose reading an image index file that comprises a map of components of the image file as claimed. Appellants contend that Guedalia's image map merely appends X and Y coordinates to a URL and therefore is not an index file as claimed: a distinct file that correlates segments of the codestream that facilitates retrieving particular portions of the codestream (Br. 4-5; Reply Br. 5).

The Examiner responds that Guedalia's image map corresponds to the claimed "image index file." The Examiner further argues that this image index file is read in Guedalia in view of the request to the server following the user's clicking on the image map (Answer 9-10).

We will sustain the Examiner's rejection of claim 34. At the outset, we note that Appellants' arguments pertaining to the image index file are not commensurate with the scope and breadth of the claimed limitation. We find that the server in Guedalia inherently hosts an "image index file" that correlates the URL that includes the image's X, Y coordinates sent from the client (i.e., the "index file data") with the appropriate response image portion for retrieval and transmission to the client. *See Guedalia*, col. 24, ll. 25-33. Claim 34 is therefore fully met by Guedalia.

Since we find that all limitations of independent claims 25, 33, 34, and 41 are expressly or inherently disclosed by Guedalia, we will sustain the Examiner's rejection of those claims. Since Appellants have not separately argued the patentability of dependent claims 26-32 and 35-40, these claims fall with independent claims 25 and 34. *See In re Nielson*, 816 F.2d 1567, 1572, 2 USPQ2d 1525, 1528 (Fed. Cir. 1987). *See also* 37 C.F.R. § 41.37(c)(vii).

We will also sustain the Examiner's rejection of claims 30-32, 39, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Guedalia in view of APA. We find that the Examiner has established at least a prima facie case of obviousness that Appellants have not persuasively rebutted. Specifically, the Examiner has (1) pointed out the teachings of Guedalia, (2) pointed out the perceived differences between Guedalia and the claimed invention, and (3) reasonably indicated how and why Guedalia would have been modified to arrive at the claimed invention (Answer 7-8). Once the Examiner has satisfied the burden of presenting a prima facie case of obviousness, the burden then shifts to Appellants to present evidence or arguments that persuasively rebut the Examiner's prima facie case. *See In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Appellants did not persuasively rebut the Examiner's prima facie case of obviousness, but merely noted that the addition of APA fails to cure the deficiencies of Guedalia in connection with independent claim 25 (Br. 5-6). The rejection is therefore sustained.

CONCLUSION

In summary, we have sustained the Examiner's rejection with respect to all claims on appeal. Therefore, the decision of the Examiner rejecting claims 25-41 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv) (2004).

AFFIRMED

PGC/GW

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